IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4137 OF 2005

Dharmendrakumar Shri
Shivaji Singh & Ors. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.Farooque Momin i/b Noor Memon for the Applicants
Ms M.H.Mhatre,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 10,2005

P.C.:

1. Heard Advocate for the Applicants and the learned A.P.P. for state. Under the orders of the Sessions Court, the Applicants were ordered to be enlarged on bail subject to executing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount. The Applicants could not avail of the said order as they could not procure the sureties. Hence, an application was moved under Section 440 of the Code of Criminal Procedure, 1973 for reduction of bail amount. The said application has been rejected.

2. The learned Counsel for the Applicants submitted that though the order enlarging the applicants on bail has been passed in March 2005, the Applicants are not in a position to procure sureties in the sum of Rs.25,000/-. He submitted that the Applicants are permanent residents of Bhiwandi, District Thane.

3. The learned A.P.P. submitted that considering the facts and circumstances of the case appropriate order may be passed.

4. I have considered the submissions. As the bail amount is more than 15,000/- the Applicants are unable to procure sureties who are possessing solvency certificate. As a result, the Applicants continued to languish in custody though bail is granted in their favour more than three months back. In my view, without disturbing the bail amount, the Applicants can be permitted to furnish two local sureties in the sum of Rs.12,500/- each.

5. Hence I pass the following order :

i) The order passed in Bail Application Nos.301/2005 and 386/2005 by the learned Additional Sessions Judge, Thane is modified and it is directed that the Applicants shall be enlarged on bail on the terms and conditions mentioned in the orders passed in the said Applications on executing P.R.Bond in the sum of Rs.25,000/- each with two local sureties in the sum of Rs.12,500/- each.

ii) Application is disposed of accordingly.

JUDGE